

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

EPIC GAMES, INC.,

Plaintiff,

vs.

APPLE INC.,

Defendant.

Case No. 4:20-cv-05640-YGR

**ORDER PERMITTING LIMITED REPLY
 BRIEF FROM PLAINTIFF EPIC GAMES, INC.**

Re: Dkt. Nos. 17, 36, 37

The Court is in the process of reviewing the parties' briefing with respect to plaintiff Epic Games, Inc.'s ("Epic") motion for a temporary restraining order against defendant Apple Inc. ("Apple"). (Dkt. No. 17, 36, 37.)¹ However, time is of the essence. Based on the Court's initial review of the arguments and representations therein, the Court **PERMITS** Epic a limited reply brief to address the issues and arguments raised in Apple's opposition *only* as it relates to the Unreal Engine, and the revocation of Epic's developer tools.

Moreover, at the August 20, 2020 scheduling conference, the parties noted that there were two separate agreements with respect to the two applications at issue: one for the video game Fortnite, and another for the Unreal Engine. Epic's counsel further stated at the conference that the Unreal Engine was managed by a separate Switzerland-based entity. Based on a limited review of the record, the Court notes that these two agreements do not appear to be included in the parties' briefing. The Court **ORDERS** Epic to either file these agreements along with its reply for the Court's review, or, if in the record already, to identify the relevant agreements in its reply.

¹ The Court notes that Apple did not comply with the Court's briefing schedule, requiring that an opposition to the motion for a temporary restraining order be filed on or before 12:00 p.m. PDT on Friday August 21, 2020. (*See* Dkt. No. 29 (minutes).) Instead, Apple filed its opposition at 12:21 p.m., with exhibits and declarations filed at 12:32 p.m. Based on correspondence with the parties, the Court understands that Apple's delay may have been due to technical difficulties. Nonetheless, the Court admonishes Apple and its counsel to comply with future Court deadlines or risk receiving sanctions from the Court in the future for their non-compliance. These deadlines are especially important involving, as here, time sensitive matters.

Such a reply brief shall be filed on or before **9:00 a.m. PDT** on **Sunday, August 23, 2020** and shall be limited to **ten (10) pages or less**.

IT IS SO ORDERED.

Dated: August 21, 2020

A handwritten signature in black ink, appearing to read "Yvonne Gonzalez Rogers", is written over a horizontal line.

YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT JUDGE